

To: Williams, Laura[williams.laura@epa.gov]
Cc: Smith, Paula[Smith.Paula@epa.gov]; Hestmark, Martin[Hestmark.Martin@epa.gov]; Ostrander, David[Ostrander.David@epa.gov]
From: Card, Joan
Sent: Wed 9/2/2015 10:50:51 PM
Subject: Re: removal process

I think the regional number is important. It gives them a sense of comparison between removal and NPL options. Thanks all.

Joan Card
Senior Policy Advisor
Region 8

Sent from my EPA iPhone

On Sep 2, 2015, at 4:18 PM, Williams, Laura <williams.laura@epa.gov> wrote:

Paula,

I think you nailed it! My one caveat is for the last bullet. The budget and criteria are only relevant for R8. I don't know what criteria the other regions use, or if they have criteria. I can look for what our national removal budget was for this year if you want me to. Thank you, lw

From: Smith, Paula
Sent: Wednesday, September 02, 2015 4:05 PM
To: Card, Joan; Williams, Laura
Cc: Hestmark, Martin; Ostrander, David
Subject: RE: removal process

OK- does this work?

1. Removal/NPL process

The removal process, typically short-term response actions, address releases or threatened releases and would proceed as follows:

- Based on the size of the release, the character of the release, and the nature of the threat to public health or welfare of the United States, the [responding] OSC conducts an evaluation of the threat posed, based on the OSC's experience in assessing other releases, and consultation with senior lead agency officials and readily available authorities on issues outside the OSC's technical expertise
- If the responding OSC determines that more information is needed, a removal site inspection may be performed, taking into consideration whether such inspection can be performed safely.
- Once the responding OSC has determined that an emergency or TCRA response is appropriate, that OSC would begin, as soon as possible, to abate, prevent, minimize, stabilize, mitigate, or eliminate the threat to public health or welfare of the United States or the environment.
- Removals are funded out of the Removal program budget which is approximately \$5 million per year. Removals are prioritized primarily on risks to human health (highest) or the environment and includes other factors such as protection/repair of previous removal actions, political/community support/acceptance, and contribution to an overall watershed approach (includes support from other agencies and land managers).

- Paula

From: Card, Joan
Sent: Wednesday, September 02, 2015 12:44 PM
To: Williams, Laura
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: Re: removal process

Good. Helpful. Thanks.

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(303) 312-6468

From: Williams, Laura
Sent: Wednesday, September 2, 2015 12:41 PM
To: Card, Joan
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: RE: removal process

Removals are funded out of the Removal program budget which is approximately \$5 million per year. Removals are prioritized primarily on risks to human health (highest) or the environment and includes other factors such as protection/repair of previous removal actions, political/community support/acceptance, and contribution to an overall watershed approach (includes support from other agencies and land managers). If that helps, lw

From: Card, Joan
Sent: Wednesday, September 02, 2015 12:32 PM
To: Williams, Laura
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: Re: removal process

Those details about the R and B and GKM are helpful, but we are looking for a general statement that describes all of this, generally. Remember, Mathy and Shaun are going to be talking about the options going forward in a very general sense. If the option of continuing the removal evaluation/action process is not described in a way that is consistent with what the locals know, Mathy and Shaun will be called to task.

Paula, I've highlighted in green what I suggest you use, but would ask you to put it in more simple, bulleted, less regulatory terms, like we did with remedial action description. Once you've done that, please send to Laura and this group for concurrence.

It also would be helpful to add a sentence about how removals are prioritized and funded by the Region.

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From: Williams, Laura
Sent: Wednesday, September 2, 2015 12:19 PM
To: Card, Joan
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: RE: removal process

The Gold King Mine was NOT a removal action. Based on the narrative I provided, "If the responding OSC determines that more information is needed, a removal site inspection may be performed, taking into consideration whether such inspection can be performed safely (40 CFR 300.410)." This is what the ER Unit was in the early phases of doing on August 5th at the time of the release.

The nearby Red and Bonita Mine Site has already been evaluated through a removal assessment. As part of the assessment, the ER Unit removed blockage in the mine opening and constructed a temporary portal for accessing the mine. Investigations of the mine allowed access to approximately 2,000 feet of workings. Collapsed ground within the tunnels prevented further investigation. During joint entry into the mine with the Colorado Division of Reclamation and Mine Safety (DRMS), a preliminary assessment of the rock and adit conditions indicated that it might be feasible to install a concrete bulkhead. Additional testing during subsequent entry (2014) confirmed the suitability of the proposed location for construction of a bulkhead.

Water quality studies indicated that the Red and Bonita Mine discharge accounts for

approximately 18 percent of the zinc load in the Animas River during low flow periods (measured one mile below Silverton). Based on the exposure risk to fish, insectivorous birds, sediment and aquatic invertebrates, an Action Memorandum was approved on 9/24/2014 to proceed with installation of a bulkhead. Based on the narrative I provided, this would conclude the "Upon obtaining relevant information on "the size of the release, the character of the release, and the nature of the threat to public health or welfare of the United States, ... the [responding] OSC shall conduct an evaluation of the threat posed, based on the OSC's experience in assessing other releases, and consultation with senior lead agency officials and readily available authorities on issues outside the OSC's technical expertise" (40 CFR 300.410"

The Action Memo is the ER decision document to provide funding for the Time-Critical Removal Action. Site preparatory work at the Red and Bonita Mine was conducted in the fall of 2014 so the Proposed Action (from the Action Memo) could be implemented in 2015. The Proposed Action consists of: installation of an engineered reinforced concrete bulkhead with a relief valve in the mine adit to prevent the ongoing release of contaminated water coming out of the adit. Additionally, water discharging from the adit during installation of the bulkhead would be managed (collected and treated as needed before controlled release) and precipitated iron/heavy metals would be removed from a limited distance of the adit. Based upon the narrative I provided, this constitutes "Once the responding OSC has determined that an emergency or TCRA response is appropriate, "actions shall, as appropriate, begin as soon as possible to abate, prevent, minimize, stabilize, mitigate, or eliminate the threat to public health or welfare of the United States or the environment" (40 CFR 300.415). The scope of the response shall be determined by the OSC based upon their training, professional judgment, best management practices, and any applicable industry standards. In addition, national response priorities have been established for oil discharges (40 CFR 300.317) and serve as appropriate guidelines for responses to hazardous substance releases. These priorities include: 1) Safety of human life is top priority; 2) Stabilizing the situation to prevent the event from worsening is the second priority; and 3) Use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

Due to the proximity of the Gold King Mine to the Red and Bonita (500 feet), it seemed prudent to assess the current conditions of the GKM to determine if there would be any impacts (such as increased adit flow, despite it being at a higher elevation than the Red and Bonita) prior to shutting the valve on the Red and Bonita bulkhead.

Hopefully, this helps you understand the context of "the NCP process and our decisionmaking as a Region around removal actions." - lw

From: Card, Joan
Sent: Wednesday, September 02, 2015 11:11 AM
To: Williams, Laura
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: Re: removal process

The last paragraph will have to work. It doesn't really describe what we've been doing at Red and Bonita and GKM as removals though. Why is your description of the removal process different from what we were actually doing, the decisions we were making to do removals at R and B and GKM?

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On Sep 2, 2015, at 11:06 AM, Williams, Laura <williams.laura@epa.gov> wrote:

Joan, the difference between an emergency response and a time-critical or non-time-critical removal is simply the urgency of conducting the cleanup. The criteria for deciding to do a response is usually more clear-cut for an emergency but has the same requirements as a time-critical/non-time-critical as described below.

Paula: I've provided the more detailed, NCP discussion below as it should be easier to cut out what you don't need than try to develop new language. I've highlighted what I think is the more pertinent information. Please call me if you need/want to discuss. 720-446-6442. - lw

Response activities are initiated by the notification processes described in the NCP (40 CFR 300.300 and .405), most routinely through the National Response Center (NRC) spill line. Any person or organization responsible for a release/discharge in quantities that may be harmful to public health or the environment is required to call the NRC. The volumes of a release/discharge that must be reported to the NRC have

been established for individual hazardous substances (40 CFR 302) and oil (40 CFR 110 and 112). The “reportable quantities” for hazardous substances have been developed by EPA based upon their intrinsic characteristics including toxicity, ignitability, reactivity, and potential carcinogenicity (EPA *Reportable Quantities* webpage, 2011). Therefore, any reported release/discharge that exceeds its reportable quantity(ies), by default, is considered to be harmful to public health or the environment. Notification of a release/discharge can also be made directly to the ER Unit through the Regional spill line or email from a Potentially Responsible Party (PRP), state or local governments, or various third parties (eyewitnesses, employees, public, etc.).

Upon notification of a release/discharge report, the receiving OSC (typically the Phone Duty OSC) will endeavor to verify any reported information (substance released, volume, extent of the spill, surface water impacts, threats to public health or welfare and the environment) from local or state responders - if present, Tier II reports, PRP documents (Facility Response Plan, Risk Management Plan) and any other readily available information (40 CFR 300.410). Based upon this initial response assessment, the Phone Duty OSC will determine if an OSC should be dispatched to respond. In some cases, the responding OSC may be the first to arrive at a site and will need to obtain this initial information through direct observation and communication with personnel present at the site.

During emergency and TCRA response activities, the chain of events that normally take several months or years for non-emergency/non-TCRA sites, may take only hours to a couple of weeks to complete. Depending on the extent and volume of the spill reported, the OSC may arrange for contractor support through the START and/or ERRS contracts. If the responding OSC determines that more information is needed, a removal site inspection may be performed, taking into consideration whether such inspection can be performed safely (40 CFR 300.410). Upon obtaining relevant information on “the size of the release, the character of the release, and the nature of the threat to public health or welfare of the United States, ... the [responding] OSC shall conduct an evaluation of the threat posed, based on the OSC's experience in assessing other releases, and consultation with senior lead agency officials and readily available authorities on issues outside the OSC's technical expertise” (40 CFR 300.410).

Examples of emergency and TCRA responses that the ER Unit has conducted in the past include but are not limited to:

Train derailments
Abandoned containers
Tanker truck accidents

Storage tank leaks/ruptures
Discharges or releases to waterways
Air releases

Fires (chemical, tires, landfills)
Abandoned facilities
Airplane crashes
Clandestine Drug Labs
Mercury spills

Contaminated soil
Industrial process accidents/releases
Pipeline ruptures
Natural disasters per the Federal Response
Plan

Once the responding OSC has determined that an emergency or TCRA response is appropriate, "actions shall, as appropriate, begin as soon as possible to abate, prevent, minimize, stabilize, mitigate, or eliminate the threat to public health or welfare of the United States or the environment" (40 CFR 300.415). The scope of the response shall be determined by the OSC based upon their training, professional judgment, best management practices, and any applicable industry standards. In addition, national response priorities have been established for oil discharges (40 CFR 300.317) and serve as appropriate guidelines for responses to hazardous substance releases. These priorities include: 1) Safety of human life is top priority; 2) Stabilizing the situation to prevent the event from worsening is the second priority; and 3) Use all necessary containment and removal tactics in a coordinated manner to ensure a timely, effective response that minimizes adverse impact to the environment.

From: Card, Joan
Sent: Wednesday, September 02, 2015 10:30 AM
To: Williams, Laura
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: Re: removal process

Not looking for ER description, just removal. Also don't need citations to NCP, just a description of how we decide to carry out and then carry out removal actions.

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From: Williams, Laura
Sent: Wednesday, September 2, 2015 10:28 AM
To: Card, Joan
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: RE: removal process

Paula,

Is this general description enough or do you want NCP citations? Just let me know.
Thanks, lw

EPA's emergency response program responds to chemical, oil, biological, and radiological releases and large-scale national emergencies, including homeland security incidents. EPA provides support when requested or when state and local first responder capabilities have been exceeded. Through coordinating and implementing a wide range of activities, EPA conducts removal actions to protect human health and the environment. This is done by either funding response actions directly or overseeing and enforcing actions conducted by potentially responsible parties.

In carrying out these responsibilities, EPA coordinates with other EPA programs (including the [Superfund remedial program](#)), other federal agencies, states, tribes, and local governments. This coordination is done through [On-Scene Coordinators](#) and [EPA's Special Teams](#).

From: Card, Joan
Sent: Wednesday, September 02, 2015 9:31 AM
To: Williams, Laura
Cc: Hestmark, Martin; Ostrander, David; Smith, Paula
Subject: removal process

Laura: Can we get a short paragraph that generally describes the NCP process and our decisionmaking as a Region around removal actions? We already have that for the remedial process. This will be used by Mathy and Shaun as a talking point for their public meeting on Friday. Paula Smith needs it asap, so please reply all. Thanks. Joan

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